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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,058	02/02/2004	Gregory Lee Burns	BURNS-001	1519

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ANDREW D. GATHY
P.O. BOX 351
EAST LYME, CT 06333

EXAMINER
RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
3677	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/771,058	BURNS, GREGORY LEE	
	Examiner	Art Unit	
	Ruth C. Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2006*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *18-20* is/are allowed.

6)☒ Claim(s) *1-7 and 10-15* is/are rejected.

7)☒ Claim(s) *8,9,16 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 November 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch et al. (US 3,342,507).

A motorcycle clamp comprises a body (10), an offset and at least one clamp insert (23). The body defines a first motorcycle fork clamp (12) opposite a second motorcycle fork clamp (12) along a common centerline (Figs. 1 and 6-8). The body

defines a motorcycle center steering pivot (Figs. 1 and 6-8). The motorcycle center steering pivot includes a pivot centerline (Figs. 1 and 6-8). The offset is defined by the common centerline (57) and the pivot centerline. The at least one clamp insert has an eccentric form insertable in each of the first motorcycle fork clamp and the second motorcycle fork clamp (Abstract and Figs. 1 and 6-8). The clamp insert is configured to shift the offset of a motorcycle (Figs. 1 and 6-8).

The at least one clamp insert comprises an insert body (23) having an insert wall. The insert wall defines an insert perimeter and an insert inside diameter (Figs. 6-9). The insert wall has a variable thickness (Figs. 6-9). The variable thickness is configured to shape the eccentric form (Figs. 6-9).

The at least one clamp insert is configured to be insertable in the center steering pivot (Fig. 1).

The inside perimeter is configured to dispose in each of the first fork clamp and the second fork clamp (Figs. 1 and 6-8).

The at least one clamp insert comprises a reversible feature (Figs. 6-9). The reversible feature is configured to create a first shift in the offset and a second shift in the offset (Figs. 6-9).

The at least one clamp insert is configured to shift the offset in one of forward or rearward relative to the center steering pivot (Figs. 1 and 6-8).

The clamp insert perimeter is configured to be insertable in the center steering pivot to shift the offset (Fig. 1).

The at least one clamp insert comprises an angled clamp insert having an inner surface formed with a pitch along the axis of the angled clamp insert (Figs. 6-9).

The pitch corresponds with a predetermined fork rake angle (Figs. 6-9).

A motorcycle clamp comprises a clamp body (10), an offset and a clamp insert (23). The clamp body forms a first motorcycle fork clamp (12) and a second motorcycle fork clamp (12), a motorcycle center steering pivot formed in the clamp body between the first fork clamp and the second fork clamp (Fig. 1). The motorcycle center steering pivot defines a steering centerline (Fig. 1). The first and second motorcycle fork clamps define a fork centerline (Fig. 1). The offset is formed between the steering centerline and the fork centerline (Fig. 1). The clamp insert includes an insert body defining an insert wall defining an inside diameter and an insert outside diameter (Figs. 6- 9). The clamp insert outside diameter is configured to be insertable in each of the first motorcycle fork clamp and the second motorcycle fork clamp and configured to shift the offset of a motorcycle front wheel (Figs. 1 and 6-8).

The insert wall comprises a variable thickness (Figs. 6- 9). The variable thickness forms an eccentric insert center relative to the insert outside diameter (Figs. 6-9).

The clamp insert includes a reversible feature (Figs. 6-9). The reversible feature is configured to create a first shift in the offset and a second shift in the offset (Figs. 6-9).

The inside diameter is configured to mount a fork (Figs. 1 and 6-9).

Allowable Subject Matter

4. Claims 18-20 are allowed.

5. Claims 8, 9, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 25 April 2006 have been fully considered but they are not persuasive.

7. The Applicant argues that Koch et al. fails to disclose a motorcycle triple clamp because the clamp disclosed by Koch is being used in a commercial vehicle and fails to provide any motivation or suggestion for its use as a motorcycle triple clamp. The Examiner fails to be persuaded by this argument. The Examiner acknowledges that Koch is silent about using this clamp as a motorcycle triple clamp, however, the Applicant is reminded that where there is physical identity between the subject matter of the claims and the prior art, the label given to the claimed subject matter does not distinguish the invention over the prior art. *In re Pearson*, 494, F.2d 1399, 1403, 181 USPQ 641,644 (CCPA 1974); *In re Lemin*, 326 F.2d 437, 140 USPQ 273 (CCPA 1964). In this instance, the claims do not provide additional structural limitations that distinguish the motorcycle from the commercial vehicle and therefore the term "motorcycle" is considered a label. The current rejection still reads on the claim invention until

additional parts of the motorcycle are claimed in order to distinguish it from the commercial vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kock et al. (US 3,342,507) and Kao (US 5,404,769) are cited to show state of the art with respect to the use of eccentric inserts in automobile parts.

Robinson (US 3,866,946), Scheibe et al. (US 5,938,225), Callaluca et al. (US 5,967,538), Nakagawa et al. (US 6,783,158 B2) and German Patent Document DE 39 33 058 A1 are cited to show state of the art with respect to triple clamps having some of the features being clamed by the current application for changing the offset.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
December 20, 2006

ROBERT J. SANDY
PRIMARY EXAMINER